



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,206	07/24/2003	Naomitsu Tsugiiwa	3005-49	9676

7590 02/06/2007
LEWIS F. GOULD, JR.
DUANE MORRIS LLP
ONE LIBERTY PLACE
PHILADELPHIA, PA 19103

EXAMINER

RENDON, CHRISTIAN E

ART UNIT	PAPER NUMBER
----------	--------------

3714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/626,206

Applicant(s)

TSUGIWA, NAOMITSU

Examiner

Christian E. Rendón

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. This office action is in response to the amendment filed on January 16, 2007 in which applicant amends claims 1-3 and 5, withdraws claim 4 and responds to claim rejections.

Claims 1-3 and 5 are still pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 and 5 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Yamada (GB 2257000A). Yamada discloses an apparatus that “displays characters in a selected language superimposed on a television display” (Yamada: Abstract, line 1). The “selection of a language” is made from an “on-screen character display” that has “a plurality of languages” to choose from (Yamada: pg 2, par 3, line 2). The language selection menu is displayed when the user presses the “language select key” (Yamada: pg 8, par 2, line 3). Once the key is pressed the names of all the available languages are displayed in a list (Yamada: pg 9, par 3, line 4) and the “identification flag is read from the EEPROM” (Yamada: pg 9, par 3, line 3) to identify the current language that is in use (Yamada: pg 8, par 1, line 1) and to prepare for a possible ‘change of programming state’. If a new selection is made the “character information corresponding to the language selected” is read from the ROM (Yamada: pg 10, par 2, line 4) and then “written into the RAM” (Yamada: pg 10, par 2, line 5). “A new identification flag is set in the EEPROM” (Yamada: pg 10, par 2, line 6), signifying a new ‘programming state’ and the characters on the display are converted into the new language producing a new image. Providing a “single system of hardware” that allows for a

“ready selection of a language” permits the user to initiate the process all over again at any given time (Yamada: pg 3, par 1, line 6).

3. Referring to claims 1 and 5, it is noted that Yamada implies “having a text file for storing text data” when his invention retrieves language data from a ROM and writes the data to RAM.

4. Referring to claims 1-3, it is noted that a game image and an image on a television screen are forms of entertainment images; therefore the applicant’s invention falls into the scope of Yamada’s patent.

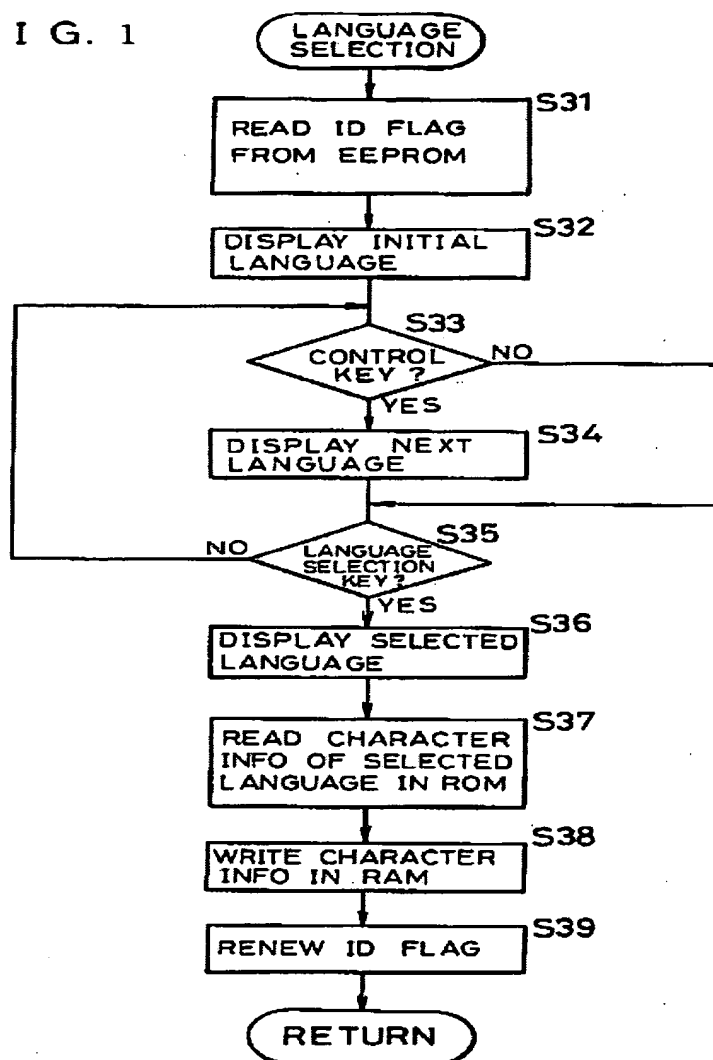
5. Referring to claim 3, Yamada lists the names of available languages while the applicant chooses to use a list of icons to distinguish the languages from one another. Both icons and the letters of an alphabet can be considered as symbols; therefore the applicant’s claim falls into the scope of Yamada’s patent.

6. Referring to claims 1 and 5, the applicant’s patent reminds the user of the current language by creating a language selection menu that does not obscure the full game image and allows the user to view in the background some text in the current language. Yamada implies that his patent can compute and determine the position of the language selection menu but does not disclose the size of the selection menu. The current display language is indicated by a flashing cursor (Yamada: pg 10, par 1, line 2), which accomplishes the same function of keeping the user informed of the current language state as the non full sized menu; therefore the applicant’s claim falls under the scope of Yamada’s patent.

7. Referring to claims 1 and 5, a means for “detecting a state of provisional selection” is clearly stated by Yamada’s ‘language selection check’ flowchart, diamond S35 and its two possible paths of ‘YES or NO’ (Figure 1).

Art Unit: 3714

FIG. 1

***Response to Arguments***

8. Applicant's arguments filed January 16, 2007 have been fully considered but they are not persuasive. The applicant's "language selection picture" falls under the scope of the "language selection menu" disclosed by the Yamada reference because both menus produce the same exact results, a chance to change the current language. Therefore the applicant's "language selection picture" is equivalent to Yamada.

9. The examiner will further explain his interpretation of Yamada to disclose the equivalence between the cited art and the claimed invention. The applicant brings up an interesting scenario, what if the current language was wrongly selected to Japanese and the

Art Unit: 3714

user is from Ecuador, whose native tongue is Spanish. Beginning with the "language selection picture" scenario, he/she will cycle through all of the flags until Spanish is displayed in the background. It is not safe to assume every Spanish-speaking user will recognize the national flag of Spain or Mexico. Therefore, the association between the flag and the language of Spanish will not be made and on average these users will cycle through the flags. Now in the "language selection menu" scenario, every entry will be unfamiliar since the language names are displayed in Japanese. Therefore, the user will be forced to randomly pick an entry. The new language is displayed immediately after a new selection has been made (Yamada: pg 12, par 3, lines 3-4), allowing the user to check their choice. If the wrong choice has been made, the user must restart the language selection process again (Yamada: Figure 1) by pressing the language select key again. In other words, cycling through the entries and checking each choice just like the applicant's claimed invention. Since the same results are produced by the applicant's claimed invention just like the prior art, claims 1-3 and 5 are finally rejected.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 3714

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian E. Rendón whose telephone number is 571-272-3117. The examiner can normally be reached on 9 - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan M. Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christian E Rendón
Examiner
Art Unit 3714

CER

Ronald Jensen
Primary Examiner
2/5/07